

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

IN RE: CENTRAL FLORIDA ASSOCIATED
BUILDERS, INC.,

Case No.: 97-00069
Chapter 11

Debtors

CENTRAL FLORIDA ASSOCIATED
BUILDERS, INC.,

Adversary No.: 97-90009

Plaintiff

v.

JERE D. LITTLE, and FLORIDA CREDIT UNION,

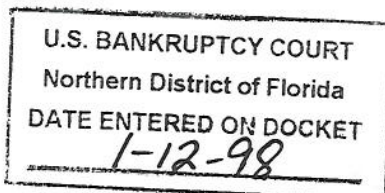
Defendants.

FINAL SUMMARY JUDGMENT AS TO DEFENDANT JERE D. LITTLE

THIS CASE came before the Court upon the filing by plaintiff, CENTRAL FLORIDA ASSOCIATED BUILDERS, INC., of a Motion for Summary Judgment against Defendant Jere D. Little. The affidavit filed by Defendant Little in opposition to the Motion for Summary Judgment raises issues of fact which are not material facts. The affidavit avers facts which, if true, would support a claim by the defendant for setoff. However, setoff is an affirmative defense and the defendant has never plead an affirmative defense and so issues related to setoff, not being raised by the pleadings, are not before the court. The Court finds that there are no genuine issues of material fact and that plaintiff is entitled to judgment as a matter of law. are not before the court the defendant is entitled. At a hearing held on January 8, 1998, the Court found that Defendant Little had failed to plead in response to plaintiff's original complaint and therefore judgment is proper in favor of the

CLERK
BANKRUPTCY COURT
NORTH/DIST-FLA
TALLAHASSEE, FLA

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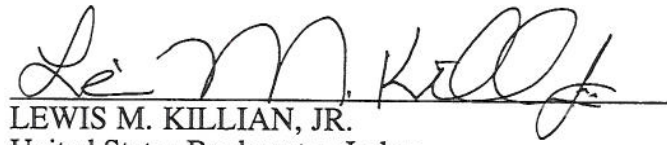


plaintiff. It is, therefore,

ORDERED:

1. Plaintiff's Motion for Summary Judgment is granted.
2. Plaintiff shall have and recover against Defendant Jere D. Little judgment in the amount of \$7,000.00, which judgment shall accrue interest at the rate of %5.341 per annum, for all of which let execution issue.

DONE AND ORDERED this 9th day of January, 1998.


LEWIS M. KILLIAN, JR.
United States Bankruptcy Judge

Copies to:

Ruff & Cohen, P.A., 4010 Newberry Road, Suite G, Gainesville, FL 32607
Jere D. Little, 4821 NE 12th Street, Gainesville, FL 32610
Michael J. Cooper, 321 NW 3rd Ave., Ocala, FL 34475-8818

This Order prepared by Lisa C. Cohen
FL Bar # 558291

I HEREBY CERTIFY that this is a true and correct copy of the original on file in the office of the Clerk, United States Bankruptcy Court for the Northern District of Florida.

LARRY A. PACE, Clerk, Bankruptcy Court

By


Deputy Clerk